

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's Rules To)	
Ensure Compatibility with Enhanced)	CC Docket No. 94-102
911 Emergency Calling Systems)	
Non-Initialized Phones)	

**PETITION FOR A NOTICE OF INQUIRY
REGARDING 911 CALL-FORWARDING REQUIREMENTS AND
CARRIERS' BLOCKING OPTIONS FOR NON-INITIALIZED PHONES**

TABLE OF CONTENTS

TABLE OF CONTENTS	i
I. INTRODUCTION	1
II. BACKGROUND	3
III. CURRENT PROBLEMS WITH 911 CALLS FROM NSI DEVICES	8
A. NSI Call Volumes	8
B. Blocking Options	12
C. Other Options	13
IV. CONCLUSION	14

APPENDICES

ATTACHMENT A	Summaries – 911 Calls from Non-Initialized Devices
ATTACHMENT B	Statements Regarding Call Blocking Requests
ATTACHMENT C	Media Reports Regarding Misuse of NSI Devices
ATTACHMENT D	Statement Regarding NSI Calls in Shelby County, Tennessee
ATTACHMENT E	Statement Regarding NSI Calls in Bedford County, Tennessee
ATTACHMENT F	Statement Regarding NSI Calls in Maury County, Tennessee
ATTACHMENT G	Statement Regarding Technical and Operational Issues Associated with Call Blocking

I. INTRODUCTION

The Tennessee Emergency Communications Board (“Tennessee ECB”), the National Emergency Number Association (“NENA”), the National Association of State 9-1-1 Administrators (“NASNA”), the Association of Public-Safety Communications Officials International (“APCO”), the Michigan State 9-1-1 Office, the State of Montana 911 Program, the New Jersey State 9-1-1 Commission, the Washington State Enhanced 911 Program, the Snohomish County Enhanced 9-1-1 Office, and Openwave Systems Inc. (collectively, “the 911 Entities”) respectfully request that the Federal Communications Commission (“Commission” or “FCC”) issue a Notice of Inquiry (“NOI”) in the above-referenced docket regarding application of the 911 call-forwarding requirement¹ to non-service initialized (“NSI”) phones² and wireless carriers’³ ability to block fraudulent 911 calls from such phones.

Harassing and fraudulent 911 calls⁴ from NSI devices continue to be a serious problem for public safety answering points (“PSAPs”). In Tennessee, PSAPs reported receiving more than 10,000 fraudulent 911 calls from NSI devices in just three months; Florida PSAPs reported

¹ 47 C.F.R. § 20.18(b).

² Non-service initialized phones are wireless mobile devices that are not registered for service with any wireless carrier; they include 911-only phones that can only make 911 calls and are technically incapable of receiving any incoming calls. See FCC Clarifies that 911 Call-Forwarding Rule Does Not Preclude Wireless Carriers from Blocking Fraudulent 911 Calls from Non-Service Initialized Phones Pursuant to State and Local Law, CC Docket No. 94-102, *Public Notice*, 17 FCC Rcd 21877 n3 (2002) (“*E911 Public Notice Regarding Blocking*”).

³ Wireless carriers are those subject to 47 C.F.R. § 20.18: Broadband Personal Communications Services (part 24, subpart E of this chapter), Cellular Radio Telephone Service (part 22, subpart H of this chapter), and Geographic Area Specialized Mobile Radio Services and Incumbent Wide Area SMR Licensees in the 800 MHz and 900 MHz bands (included in part 90, subpart S of this chapter) and those entities that offer voice service to consumers by purchasing airtime or capacity at wholesale rates from these licensees (collectively CMRS providers), to the extent that they offer real-time, two way switched voice service that is interconnected with the public switched network and utilize an in-network switching facility which enables the provider to reuse frequencies and accomplish seamless hand-offs of subscriber calls.

⁴ For these purposes, fraudulent calls include all calls placed for any reason other than to report an event that the person placing the call reasonably believed to be an emergency. Examples are: prank calls, bogus calls for help, threatening calls, hang ups, accidental calls, and children playing on the phones.

more than 8,400 such calls in just one month; six Michigan PSAPs reported nearly 1,000 calls in two months; and one PSAP in Snohomish County, Washington reported more than 500 calls in less than two months.⁵ These fraudulent 911 calls often are made by repeat callers. For example, Tennessee PSAPs reported more than 60 repeat callers, including one who made 140 separate calls to the PSAP; Florida's data contained 33 repeat callers, including one who placed 300 separate calls. As the Commission has recognized, these calls disrupt 911 service and waste precious public safety resources.⁶

Although the Commission previously clarified that 47 C.F.R. § 20.18(b) does not preclude carriers from blocking fraudulent calls from NSI phones, the carriers have not been prepared to do so when requested by authorities having jurisdiction within the 911 community. PSAPs report that carriers have expressed concern with both their technical ability to block the calls and the liability associated with blocking all calls from a particular device in light of the Commission's 911 call-forwarding mandate.⁷

Accordingly, the 911 Entities seek clarification and guidance from the Commission concerning the legal and technical aspects of NSI device call forwarding and call blocking. In addition, the 911 Entities ask the Commission to consider other options for resolving the issues surrounding 911 calls from NSI devices and to consider whether the call-forwarding mandate shall apply to new wireless services currently being developed, such as WiMax and Wi-Fi.

⁵ The PSAPs reported the calls in response to a survey conducted from October 1, 2006 through December 31, 2006. For a more detailed discussion of the survey responses, please see the section entitled "NSI Call Volumes" on page 8. For a summary, please see Attachment A. The reports are available for review by the Commission.

⁶ *E911 Public Notice Regarding Blocking*, 17 FCC Rcd 21877 (2002).

⁷ See Attachment B for supporting statements from PSAPs; *see also* Attachment G.

II. BACKGROUND

From the outset, wireless technologies have presented many challenges for 911, including issues related to the transmission of calls from NSI devices to PSAPs. The Commission, carriers, and 911 organizations all have recognized the risks associated with such calls.⁸ NSI devices do not provide automatic number information (“ANI”) or call back features, and PSAPs cannot call back and often cannot locate an emergency caller from an NSI device if the call is dropped or disconnected. PSAPs also do not get the information they need to stop or respond to fraudulent and harassing calls from the devices.⁹

In 1994, the Commission released a *Notice of Proposed Rulemaking* on requirements for wireless carriers to provide enhanced 911 services for wireless callers.¹⁰ In that *Notice*, the Commission proposed that each carrier be required to forward to PSAPs all 911 calls, without user validation,¹¹ from subscribers in the carrier’s home service area and from users authorized to roam on the carrier’s network.¹²

In 1996, after receiving comments and reviewing the record, the Commission issued a *Report and Order* concluding that the 911 call-forwarding requirement proposed in the 1994

⁸ See, e.g., Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102 (“*E911 Docket No. 94-102*”), *Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 18676, 18696 ¶ 38 (1996) (“*E911 First Report and Order*”); *E911 Docket No. 94-102, Report and Order*, 17 FCC Rcd 8481, 8485 ¶ 9, ¶ 12 (2002) (“*E911 2002 Report and Order*”); *E911 Public Notice Regarding Blocking*, 17 FCC Rcd 21877 (2002).

⁹ A similar problem may arise with prepaid wireless devices, because users are not required to provide a name, address, or alternate telephone number to purchase such devices.

¹⁰ *E911 Docket No. 94-102, Notice of Proposed Rulemaking*, 9 FCC Rcd 6170 (1994).

¹¹ The Commission did not define the term “user validation” but referenced recommendations in a joint paper filed by the Personal Communications Industry Association, APCO, NENA, and NASNA. The Joint Paper recommended that dialing 911 must override any lockout requirement for handsets and that no additional dialing digit sequence be required to reach emergency services. *Id.* at 6177 ¶ 41, Appendix D (1994) (citing the *Position Paper on Emergency Access Services* filed July 5, 1994, in GN Docket No. 90-314, Amendment of the Commission’s Rules to Establish New Personal Communications Services).

¹² *Id.* at 6177 ¶ 41 (1994). See also *E911 First Report and Order*, 11 FCC Rcd at 18692 ¶ 30 (1996).

Notice was too narrowly defined.¹³ The Commission determined that carriers must transmit to PSAPs all 911 calls from wireless mobile handsets that transmitted a code identification,¹⁴ again without user validation.¹⁵ The Commission further concluded that PSAPs could request transmission of all calls, with or without code identification, and that carriers must comply with such requests.¹⁶

In the 1996 *Report and Order*, the Commission specifically recognized that, at that time, there was “no technical way to differentiate between subscribers and non-subscribers placing a 911 call without invoking authentication and validation procedures.”¹⁷ The Commission determined that the public interest was best served by allowing all handsets with code identification to make 911 calls, based on the belief that authentication or call validation procedures could unreasonably delay or prevent completion of some 911 calls.¹⁸ The Commission, however, also recognized the disadvantages of requiring that carriers process 911 calls from non-subscribers; these include “the fact that ANI and call back features may not be usable, and hoax and false alarm calls may be facilitated.”¹⁹

Several parties filed petitions for reconsideration and *ex parte* presentations concerning technical issues related to the 1996 *Report and Order*. The Commission issued a stay and sought

¹³ *E911 First Report and Order*, 11 FCC Rcd at 18692 ¶ 30 (1996).

¹⁴ The Commission defined “code identification” as a Mobile Identification Number (“MIN”) or functional equivalent of a MIN and defined MIN as “a 34-bit binary number that a PCS or cellular handset transmits as part of the process of identifying itself to wireless networks. Each handset has one MIN, and it is derived from the ten-digit North American Numbering Plan (NANP) telephone number that generally is programmed into the handset at the time service for a new subscriber is initiated.” *Id.* at 18683 ¶ 10 n.12 (1996) (citation omitted).

¹⁵ *Id.* at 18692 ¶ 29 (1996).

¹⁶ *Id.* at 18695 ¶ 37 (1996).

¹⁷ *Id.* at 18694 ¶ 36 (1996) (citation omitted).

¹⁸ *Id.*

¹⁹ *Id.* at 18696 ¶ 38 (1996) (citation omitted). The Commission noted these drawbacks with respect to calls from devices without code identification because such devices lack “evidence that a call is emanating from an authorized user of *some* CMRS provider.” *Id.* By definition, these same concerns apply to calls from NSI devices.

additional comment.²⁰ In December 1997, the Commission released a *Memorandum Opinion and Order* modifying the rules by requiring carriers to transmit all 911 calls without regard to validation procedures or code identification.²¹

The record reflected that technology at that time was not able to distinguish between handsets with or without code identifiers, without applying validation procedures, just as it could not differentiate between calls from subscribers and non-subscribers.²² Based on the record, the Commission determined that “the technically feasible and most practical options are to forward either *all* 911 calls, or *only* those that have been validated.”²³ It further found the public interest would be better served by requiring that carriers forward all 911 calls.²⁴ The Commission declined to require “that wireless carriers screen and block calls on behalf of PSAPs, in order to deter and prevent hoax 911 calls.”²⁵ Further, the Commission noted that FCC rules “apply to wireless carriers, not PSAPs,” and that PSAPs may decide how to manage incoming calls and should “receive call information that will allow them to screen out or identify many types of fraudulent calls.”²⁶

In April 2002, the Commission released a *Report and Order* addressing call-back capabilities of NSI devices.²⁷ Based on the record, the Commission determined that it could not,

²⁰ *E911 Docket No. 94-102, Order*, 12 FCC Rcd 15313 (1997); Additional Comment Sought in Wireless Enhanced 911 Reconsideration Proceeding Regarding Rules and Schedules, CC Docket No. 94-102, *Public Notice*, 12 FCC Rcd 15331 (1997).

²¹ *E911 Docket No. 94-102, Memorandum Opinion and Order*, 12 FCC Rcd 22665, 22668 ¶ 5 (1997). Among other issues, the Commission also clarified that carriers’ obligation to provide Phase I call back information does not apply to calls from NSI devices or in other circumstances when the carrier does not know the handset’s directory number. *Id.* at 22717-8 ¶ 108.

²² *Id.* at 22680 ¶ 28 (1997).

²³ *Id.* at 22682 ¶ 33 (1997).

²⁴ *Id.*

²⁵ *Id.* at 22684 ¶ 36 (1997).

²⁶ *Id.* at 22684 ¶ 37 (1997).

²⁷ *E911 2002 Report and Order*, 17 FCC Rcd at 8483 ¶ 4 (2002).

at that time, require carriers to develop and implement a call-back solution for the NSI devices.²⁸ Rather, the Commission imposed requirements designed to alert PSAPs when a 911 call is made by a device that lacks call-back capabilities and to alert users that NSI devices lack such capabilities.²⁹

Specifically, to alert PSAPs, the Commission required that NSI handsets donated through carrier-sponsored programs and newly manufactured 911-only phones be programmed with the code 123-456-7890 and that carriers complete any network programming necessary to deliver the code to PSAPs as the NSI device's telephone number or mobile directory number.³⁰ For users, the Commission required that carriers that participate in NSI-device donor programs and manufacturers of 911-only devices label each handset and institute public education programs to inform users of the device limitations.³¹ The Commission also specifically noted that it would continue to monitor and may later revisit the issues related to 911 service for NSI devices.³² In September 2002, in response to a request for stay and petition for reconsideration, the Commission stayed the effective date of the April 2002 *Report and Order*.³³

In October 2002, the Commission issued a *Public Notice* clarifying that its rules requiring carriers to forward all wireless 911 calls to PSAPs do not “preclude these carriers from blocking fraudulent 911 calls from non-service initialized phones pursuant to applicable state and local law enforcement procedures.”³⁴ The Commission noted that PSAPs have “an important role in

²⁸ *Id.* at 8485 ¶ 11 (2002).

²⁹ *Id.* at 8481 ¶ 2 (2002).

³⁰ *Id.* at 8489-90 ¶ 26 (2002).

³¹ *Id.* at 8493 ¶ 38 (2002).

³² *Id.* at 8486 ¶ 14, 8494-5 ¶ 44 (2002).

³³ *E911 Docket No. 94-102, Order*, 17 FCC Rcd 19012 (2002). Before granting the stay, the Commission first sought comment on the request and petition. See Wireless Telecommunications Bureau Seeks Comment on Petition for Reconsideration Regarding the Commission's Rules on Non-Initialized Phones and on Filing of Request for Stay, CC Docket No. 94-102, *Public Notice*, 17 FCC Rcd 12933 (2002).

³⁴ *E911 Public Notice Regarding Blocking*, 17 FCC Rcd 21877 (2002) (citation omitted).

monitoring incoming calls and initiating efforts to guard against fraudulent use of the 911 systems.”³⁵ The Commission specified that carriers may comply with a PSAP’s request to block harassing calls from NSI devices and that such compliance will not constitute a violation of Section 20.18 of the Commission’s rules.³⁶

In 2003, the Commission granted the petition to reconsider its April 2002 *Report and Order*. The Commission modified its rules by striking the requirement to program the 123-456-7890 code into carrier-donated NSI devices and 911-only phones;³⁷ it replaced it with the requirement to program the devices with a sequential number of “911” plus the seven least significant digits of the decimal representation of the handset’s unique identifier, such as the Electronic Serial Number or International Mobile station Equipment Identity.³⁸ As with the previous rule, the Commission also required that carriers complete any network programming necessary to transmit the code to PSAPs.³⁹

The Commission noted the rule change should allow PSAPs to identify the specific NSI device making a particular 911 call.⁴⁰ The Commission found it “highly probable” that a PSAP receiving harassing calls from an NSI device would be able to identify the phone, using the new code information, “and to work with the appropriate carrier and law enforcement personnel to trace it and block further harassing calls from the device.”⁴¹ The Commission recognized that “it is important to weed out those callers who are using non-initialized phones or 911-only devices to make harassing calls to PSAPs, which cannot afford to waste their precious time and

³⁵ *Id.* at 21878 (2002) (citation omitted).

³⁶ *Id.*; 47 C.F.R. §20.18.

³⁷ *E911 Docket No. 94-102, Memorandum Opinion and Order*, 18 FCC Rcd 23383 (2003).

³⁸ *Id.* at 2339 ¶ 19 (2003).

³⁹ *Id.*

⁴⁰ *Id.* at 23386 ¶ 6, 23388 ¶ 12 (2003).

⁴¹ *Id.* at 23388 ¶ 13 (2003).

resources.”⁴² The Commission again noted its intention to monitor the issue closely and consider additional information on the nature and extent of the problems associated with 911 service for NSI devices.⁴³

III. CURRENT PROBLEMS WITH 911 CALLS FROM NSI DEVICES

The Commission, with the 2003 rule revision, achieved the goal of helping PSAPs identify when 911 calls are from NSI devices. The calls, however, continue to create severe problems for PSAPs. Too many callers use NSI devices to harass PSAPs or make fraudulent emergency reports.⁴⁴ The calls waste precious PSAP resources, which should be devoted to true emergencies, and PSAPs have very limited means of stopping the calls. Carriers have declined to block the calls, expressing technical and legal concerns with the blocking option.⁴⁵ In addition, PSAPs still have no ability to call back those who use NSI-devices to call 911 and often cannot locate the user in need of emergency services if the call is dropped or disconnected.

A. NSI Call Volumes

In late 2006, the Tennessee ECB, the Florida Statewide 911 Coordinator, the Michigan 911 State Administrator, and the E9-1-1 Manager in Snohomish County, Washington gathered information concerning the number of 911 calls PSAPs in their areas received from NSI devices.⁴⁶ They asked the PSAPs under their jurisdiction to note whether the calls were legitimate calls for help and, if not, to categorize the non-emergency calls as threatening in nature, bogus or fraudulent calls for help, prank calls, accidental dials, or other. Based on the survey responses, the Tennessee ECB also created a category specifically for children playing on

⁴² *Id.* at 23392 ¶ 21 (2003).

⁴³ *Id.* at 23392 ¶ 24 (2003).

⁴⁴ See Attachment C for sample media reports concerning misuse of NSI devices.

⁴⁵ See Attachment B.

⁴⁶ The survey materials are available for review by the Commission. The surveys were written, distributed, gathered and counted by 911 staff members, not professional statisticians, and the data therefore is not guaranteed to be 100% error-free. It simply reflects the 911 Entities’ best effort to quantify the problem with the resources available.

the NSI devices, and Michigan was able to identify calls from children for three of its PSAPs. In addition, Tennessee and Florida compiled data on the number of repeat callers in their areas. The survey summaries are included as Attachment A to this petition.

Tennessee received responses from 40 counties covering approximately 54% of the overall state population, generally for the period October 1 through December 31, 2006.⁴⁷ Florida received responses for the period December 1 through December 31, 2006 from twelve counties covering approximately 50% of the overall state population.⁴⁸ Michigan received responses from six counties covering approximately 7% of the population; five reported for November 1 through December 31, 2006, while the largest reported only November 1 through November 30, 2006. Snohomish County, Washington gathered responses for the period November 1, 2006 through December 18, 2006 from one PSAP covering approximately one-third of the county's population; Snohomish County covers approximately 10.5% of the overall state population.

The 911 Entities were able to gather total call volumes for some of the PSAPs for the same reporting periods. Tennessee gathered data for two of the responding PSAPs. The PSAPs reported 22,517 total calls to 911 during the survey period. Of those, 1,777, or approximately 8%, were from NSI devices.

The six Michigan PSAPs that participated in the survey also collected data on the total number of wireless 911 calls to the PSAPs during the survey period. They received 20,694 total wireless 911 calls during the survey period, including 1,003, or approximately 5%, from NSI devices.

⁴⁷ Some of the counties have multiple PSAPs, and not all PSAPs participated in the survey. Also, October 1 through December 31, 2006, was the maximum period covered in the reports from Tennessee PSAPs; a few of the PSAPs did not collect reports for the entire period. The results thus may be somewhat understated.

⁴⁸ Some of the counties have multiple PSAPs, and not all PSAPs participated in the survey. The results thus may be somewhat understated.

The data reflects that a very small minority of the 911 calls from NSI devices were made to report actual emergencies. In Tennessee, only 188 calls from NSI devices, less than 2% of the 10,262 total NSI-device 911 calls, were legitimate calls for help. In Florida, of the total 8,774 calls from NSI devices, only 310, or 3.5%, were legitimate calls for help. In Michigan, of the total 1,003 NSI-device 911 calls, only 5, or less than 1%, were legitimate. Likewise, in Snohomish County, Washington, 9 calls, or less than 2% of the 553 total NSI-device 911 calls, were legitimate.

In contrast, the majority of the NSI-device calls reported by the PSAPs were hang ups. The 911 Entities have received some anecdotal reports that such calls may not always originate from NSI devices.⁴⁹ Some of the calls, however, seem to be placed for the purpose of harassing the PSAPs. For example, Shelby County, Tennessee reported receiving 1,148 calls from one NSI device in a sixteen-day period.⁵⁰ The caller often stayed on the line less than a minute, but the connection sometimes lasted more than two minutes before the caller hung up. The calls finally stopped, but for sixteen days the harassing calls threatened the PSAP's ability to answer legitimate calls and provide emergency communications.

Other PSAPs also reported problems with repeat callers. The Tennessee PSAP survey reports include 4,279 NSI-device 911 calls from repeat callers. These calls comprise more than 40% of the 10,262 total calls from NSI devices reported in Tennessee during the survey period. Of the repeat callers in Tennessee, 62 made 10 or more calls during the survey period; one made 140 separate calls. In Florida, more than 10% of the 911 calls from NSI devices were repeat

⁴⁹ One theory is that information for service-initialized devices may not register on the network or be transmitted to PSAPs if the users dial 911 immediately after powering on the devices.

⁵⁰ These calls were not included in the Tennessee PSAP totals because they occurred from August 23 through September 7, 2006, before the Tennessee survey period. Please see Attachment D for supporting documentation regarding these calls.

callers. Of the 8774 total calls in December 2006, 1,196 were made by 33 repeat callers; one made 300 separate calls and another made 115.

The survey data also indicates that many of the 911 calls from NSI devices may result from children having access to the phones. The original surveys did not include this as a separate category of calls, and the data therefore does not reflect the full extent of the problem. In Tennessee, many of the call takers who completed the reports noted details of the calls, including if children made the calls or could be heard playing on the handsets. Of the total 10,262 reports from Tennessee PSAPs, call takers specifically noted children playing on the NSI device or using it to harass the call takers for 731 calls. In Michigan, three PSAPs reported children playing on the devices. Calls from children accounted for 142 of the 810 total NSI-device calls reported by the three PSAPs.

After the survey period, several Tennessee PSAPs reported specific examples of harassing 911 calls from children using NSI devices. In Bedford County, a young child had three NSI devices and repeatedly called 911 to give false information or use foul language. The child sometimes called more than 30 times in one sitting. The calls continued for more than a month until, with much difficulty, the 911 officials finally located the child and informed the parents.⁵¹

The PSAP in Maury County, Tennessee has had numerous incidents of children harassing 911 from NSI devices.⁵² At least three cases involved children repeatedly making false and harassing 911 calls using NSI devices the mothers obtained from domestic violence organizations. One child called seven times from a bus on the way home from school, reporting false emergencies. As a result, first responders were dispatched to four different locations, only to find the reports were false. A second child called the PSAP 84 times on a Saturday evening,

⁵¹ Supporting documentation is provided in Attachment E.

⁵² Attachment F to this petition is an affidavit further detailing these incidents

nearly immobilizing the PSAP's ability to receive or respond to actual emergency calls. A third child called the PSAP 40 times on a Sunday afternoon, again disrupting the PSAP operations. In all three instances, the PSAP eventually was able to locate and stop the child involved; however the calls and location effort wasted precious public safety resources.

The overall survey data reflects that the great majority of 911 calls from NSI devices are not actual calls for help. These calls waste the limited and precious resources of the PSAPs and interfere with PSAPs' ability to answer emergency calls. Efforts to locate or prosecute the callers likewise require tremendous effort and resources from the PSAPs, which further detract from their emergency mission. PSAPs need a mechanism to stop harassing calls from NSI devices. Although the Commission previously clarified that its rules do not preclude blocking such calls, the 911 Entities request that the Commission seek new information and provide further guidance on the technical and legal aspects of the blocking option and explore other solutions to this problem.

B. Blocking Option

In general, carriers have not blocked 911 calls from NSI devices when requested by PSAPs and other authorities having jurisdiction within the 911 community, citing technical and legal concerns about such blocking. Some have raised questions about whether call blocking would be effective. Due to the call-forwarding rules, a device that is blocked on one carrier network may simply roam until it finds another available network. Thus, coordination among carriers may be necessary to fully stop harassing calls from a specific NSI device.

Carriers also have noted concerns about liability and other legal issues associated with blocking all calls from an NSI device.⁵³ The lack of a specific definition of "blocking" has contributed to concerns regarding the potential for liability and discouraged the development of

⁵³ See Attachment G; *see also* Attachment B.

technical innovations to address the problem. Further, PSAPs and carriers both question what “state and local law enforcement procedures” are required or sufficient to institute a block on such calls. The inherent portability of the devices also leads to other concerns; carriers and PSAPs cannot know that the person placing harassing and fraudulent calls from a particular NSI device is the only one with access or who may be relying on the device in case of emergency. This is especially true in light of the evidence that children often play with these devices.

Accordingly, the 911 Entities respectfully request that the Commission provide further clarification and guidance on this option to stop harassing and fraudulent 911 calls from NSI devices.

C. Other Options

The 911 Entities also ask that the Commission consider other options to address these issues or seek comment concerning other solutions. One possibility may be further exploration of call-back capabilities for NSI devices. According to the Commission’s 2002 *Report and Order*, some carriers at that time concluded that no technically feasible network solution existed or could be developed in the near future to support such call back.⁵⁴ In October 2005, NENA issued a technical information document analyzing the issue and proposing possible solutions.⁵⁵ Further consideration by the Commission may be warranted at this time.

Likewise, the Commission noted in 2002 that elimination of the call-forwarding requirement for NSI devices may “potentially reduce the number of fraudulent 911 calls made from wireless phones, or at least reduce the costs of having to dispatch emergency services to respond to bogus calls.”⁵⁶ In 2002, the Commission declined to address the issue on the merits and identified concerns with the approach. Now, further consideration may be warranted based

⁵⁴ See *E911 2002 Report and Order*, 17 FCC Rcd at 8486 ¶ 13 (2002).

⁵⁵ It is available at http://www.nena.org/media/files/03-504_20051020.pdf.

⁵⁶ *E911 2002 Report and Order*, 17 FCC Rcd at 8489 ¶ 24 (2002).

on the evidence of the overwhelming number of fraudulent and harassing 911 calls PSAPs are receiving from NSI devices.

In the 2002 *Report and Order*, the Commission also considered whether to require that all carrier-sponsored wireless phone donation programs provide service-initialized phones.⁵⁷ The Commission noted that several carriers participate in such service-initialized donation programs.⁵⁸ The programs “provide users with access to the best available emergency service, while minimizing potential abuse” of the donation programs.⁵⁹ The Commission encouraged carriers to continue serving the public through these programs, without requiring that all carrier-sponsored donation programs be service-initialized. Further consideration of this option may now be warranted, especially if the Commission reconsiders elimination of the call-forwarding requirement.

IV. CONCLUSION

Fraudulent 911 calls from NSI devices are significantly contributing to the overtaxing of the call receipt and call processing portions of the 911 service delivery system. PSAPs receive thousands of these calls each month and have little or no power to stop them. The calls divert essential resources from the life-saving mission of 911 and inhibit PSAPs’ ability to answer and respond to true emergency calls. The 911 Entities respectfully request that the Commission address this very serious issue by further considering the call-blocking option and other possible solutions to the problem.

Respectfully submitted,

⁵⁷ *Id.* at 8489 ¶ 25 (2002).

⁵⁸ *Id.* at 8490-8491 ¶¶ 28-31 (2002).

⁵⁹ *Id.* at 8490 ¶ 28 (2002).

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ATTACHMENT A

SUMMARIES – 911 CALLS FROM NON-INITIALIZED DEVICES

ATTACHMENT A - TENNESSEE SURVEY DATA

Survey Period: October 1 through December 31, 2006¹

Area represented by survey: 40 counties (out of 95 Tennessee counties)²

Population: 3,263,137 (out of total Tennessee population of 6,038,809)³

Percentage of state's population: approximately 54%

¹ Some of the PSAPs did not collect reports for the entire survey period.

² Some of the counties have multiple PSAPs, and not all PSAPs participated in the survey.

³ United States Census Bureau, July 1, 2006 annual population estimates.

NON-SERVICE INITIALIZED PHONE CALL DATA

PARTICIPATING TENNESSEE COUNTIES

October 1, 2006 - December 31, 2006

Call Category	Number of NSI Calls	Percentage of Total NSI Calls
OTHER*	9,283	90.46%
BOGUS	50	0.49%
THREATENING	10	0.10%
CHILD	731	7.12%
LEGITIMATE	188	1.83%
TOTAL	10,262	

* The "Other" category includes hang ups, accidental dials, and all other calls not covered by the specific categories.

REPEAT CALLERS

The totals above include the following number of multiple calls from repeat callers:**

Call Category	Number of NSI calls (repeat callers)		
OTHER (Multiple)	3,703		
BOGUS (Multiple)	28		
THREAT (Multiple)	8		
CHILD (Multiple)	540	Percentage of total NSI-device 911 calls from repeat callers:	
TOTAL (Multiple)	4,279		41.70%

** The next page lists repeat callers who made more than 10 calls during the survey period.

NON-SERVICE INITIALIZED PHONE CALL DATA
PARTICIPATING TENNESSEE COUNTIES

REPEAT CALLERS

(over 10 calls from October 1, 2006 - December 31, 2006)

Category - OTHER		OTHER - Continued		Category - CHILD	
Caller	Total # of Calls	Caller	Total # of Calls	Caller	Total # of Calls
911-015-9873	18	911-883-0316	140	911-013-7630	13
911-029-2080	33	911-887-3920	43	911-028-4419	13
911-029-6060	33	911-908-3514	13	911-043-1680	11
911-029-9080	14	911-938-6600	10	911-120-0990	22
911-051-5690	32	911-953-0990	11	911-191-8792	15
911-051-8380	10	unknown*	10	911-255-8680	15
911-083-9000	10	unknown*	10	911-903-1760	37
911-091-9800	10	unknown*	16	unknown*	20
911-101-3190	27	unknown*	17		
911-114-8910	10				
911-155-9660	15	Number of repeat callers		Number of repeat callers	
911-160-3500	11	making more than 10 "other"		identified as children making	
911-176-2848	20	non-emergency 911 calls		more than 10 non-emergency	
911-182-1664	12	during survey period:	54	calls during survey period:	8
911-190-5880	16				
911-193-8870	12				
911-196-1630	11				
911-214-5070	12				
911-220-1010	12				
911-220-7880	34				
911-222-5125	19				
911-230-5240	10				
911-284-8740	22				
911-339-2772	20				
911-375-5910	30				
911-392-2290	14				
911-404-9090	17				
911-407-3807	13				
911-424-2039	11				
911-428-3918	12				
911-481-6540	15				
911-521-4407	36				
911-541-5000	10				
911-546-4605	10				
911-576-5742	11				
911-616-6690	66				
911-628-9740	10				
911-640-4179	11				
911-657-5530	12				
911-680-0030	10				
911-771-1740	14				
911-805-5902	10				
911-829-6230	10				
911-859-4130	21				
911-859-5310	43				

*Each entry with no telephone number listed was reported by a PSAP as a repeat caller (making the listed number of calls).

NON-SERVICE INITIALIZED PHONE CALL DATA
PARTICIPATING TENNESSEE COUNTIES

NSI CALLS AS PERCENTAGE OF TOTAL 911 CALLS

Two (2) Sample Districts

(October 1, 2006 - December 31, 2006)

	SHELBY COUNTY	ROBERTSON COUNTY
	Sheriff's Office	Emergency Communications District
NSI - OTHER	1,328	268
NSI - BOGUS	4	8
NSI - THREATENING	0	0
NSI - CHILD	76	75
NSI - LEGIT	8	10
TOTAL NSI CALLS TO 911	1,416	361
TOTAL 911 CALLS (including calls from NSI devices) DURING SURVEY PERIOD	16,101	6,416
911 CALLS FROM NSI DEVICES AS % OF TOTAL 911 CALLS DURING SURVEY PERIOD	8.79%	5.63%
LEGITIMATE 911 CALLS FROM NSI DEVICES AS % OF TOTAL 911 CALLS DURING SURVEY PERIOD	0.05%	0.16%
	<hr/> COMBINED TOTALS: <hr/>	
TOTAL NSI CALLS TO 911	1,777	
TOTAL 911 CALLS (including calls from NSI devices) DURING SURVEY PERIOD	22,517	
911 CALLS FROM NSI DEVICES AS % OF TOTAL 911 CALLS DURING SURVEY PERIOD	7.89%	
LEGITIMATE 911 CALLS FROM NSI DEVICES AS % OF TOTAL 911 CALLS DURING SURVEY PERIOD	0.08%	

ATTACHMENT A - FLORIDA SURVEY DATA

Survey Period: December 1 through December 31, 2006

Area represented by survey: 12 counties (out of 67 Florida counties)¹

Population: 8,936,647 (out of total Florida population of 17,918,227)

Percentage of state's population: approximately 50%

¹ Some of the counties have multiple PSAPs, and not all PSAPs participated in the survey.

Non-Initialized Cell Phone Call Survey 12/1-31/2006 **Participating Florida Counties 911**

COUNTY	Threatening						Total Calls for Counties
	in Nature Calls	Hang Up Calls	Accidental Calls	Bogus Calls	Prank Calls	Legitimate Calls	
BREVARD	3	188	47	2	9	16	288
BROWARD	1	98	12	81	513	7	725
COLLIER	12	620	78	1	248	63	1082
ESCAMBIA	0	95	4	0	3	3	113
HILLSBOROUGH	0	138	29	9	23	21	259
MARION	21	86	11	3	7	2	146
MIAMI DADE	2	527	32	5	13	68	742
MONROE	0	23	6	0	0	2	32
ORANGE	0	2997	330	6	155	90	3618
SEMINOLE	0	780	123	3	43	34	1078
UNION	0	4	0	0	0	0	7
VOLUSIA	0	457	18	0	2	4	203
Totals	39	6,013	690	110	1,016	310	596
Percentages of Total	0.44%	68.53%	7.86%	1.25%	11.58%	3.53%	6.79%
Grand Total		8,774					

Number of Repeat Callers (over 10 Calls in December)

County	Total # Of Calls	Threatening Calls	Hang Up Calls	Accidental Calls	Bogus Calls	Prank Calls	Other Calls
BREVARD	11	0	0	11	0	0	0
BROWARD	300	0	0	0	0	300	0
BROWARD	12	0	0	0	0	12	0
BROWARD	20	0	0	0	10	10	0
BROWARD	40	0	0	0	0	40	0
BROWARD	50	0	0	0	50	0	0
BROWARD	60	0	0	0	0	60	0
BROWARD	65	0	0	0	0	65	0
BROWARD	24	1	3	0	9	10	1
COLLIER	70	0	0	0	0	70	0
COLLIER	44	0	0	0	0	44	0
COLLIER	27	0	0	27	0	0	0
COLLIER	25	0	25	0	0	0	0
COLLIER	11	11	0	0	0	0	0
COLLIER	13	0	13	0	0	0	0
COLLIER	12	0	0	0	0	0	12
COLLIER	15	0	0	0	0	0	15
COLLIER	115	0	0	0	0	115	0
ESCAMBIA	12	0	12	0	0	0	0
ESCAMBIA	12	0	10	0	0	0	2
HILLSBOROUGH	21	0	7	0	7	7	0
MARION	15	0	15	0	0	0	0
MARION	20	20	0	0	0	0	0
MIAMI-DADE	63	1	47	5	0	0	10
SEMINOLE	12	0	5	0	0	2	5
SEMINOLE	28	0	25	1	0	1	1
SEMINOLE	14	0	10	1	0	0	3
VOLUSIA	13	0	2	0	0	0	11
VOLUSIA	13	0	4	0	0	0	9
VOLUSIA	13	0	7	0	0	0	6
VOLUSIA	13	0	13	0	0	0	0
VOLUSIA	17	0	12	0	0	0	5
VOLUSIA	16	0	14	0	0	0	2
Totals	1196	33	224	45	76	736	82
Percentage of Totals		2.76%	18.73%	3.76%	6.35%	61.54%	6.86%

Grand Total 1196

*Repeat Caller information not available for Orlando at this time.

ATTACHMENT A - MICHIGAN SURVEY DATA

Survey Period: November 1 through December 31, 2006¹

Area represented by survey: 6 counties (out of 83 Michigan counties)

Population: 721,567 (out of total Michigan population of 10,095,643)

Percentage of state's population: approximately 7%

¹ The largest PSAP that participated in the survey, MSP Rockford, reported data for November 1 through 30, 2006 only.

Non-Initialized Phone Call Information Participating Michigan PSAPs November 1 through December 31, 2006*

PSAP	Threatening, Bogus or Prank Calls	Repeated Hang Ups	Accidental Calls	Child Calls (not legit.)	Other Calls (not legit.)	Legitimate Calls	TOTAL (All categories)
Plymouth Comm Comm Center	1	5	80	unknown	0	5	91
Bay County Central Dispatch	12	70	1	unknown	11	0	94
Hillsdale County Central Dispatch	unknown	44	3	6	8	unknown	61
Huron County Central Dispatch	0	7	0	unknown	1	0	8
Sterling Heights Police Dept	0	241	10	23	1	0	275
MSP Rockford (Nov 2006 data)	1	135	31	113	194	0	474
TOTALS (All PSAPs)	14	502	125	142	215	5	
Percentage of Total Non-Initialized Calls	1.40%	50.05%	12.46%	14.16%	21.44%	0.50%	

GRAND TOTAL	1003
Non-Initialized Calls	

* The largest PSAP participating in the survey, MSP Rockford, reported data for November 1 through 30, 2006 only.

Non-Initialized Phone Call Information Participating Michigan PSAPs

Non-Initialized Device Calls as Percentage of Total Wireless 911 Calls

	Plymouth Comm Comm Center	Bay County Central Dispatch	Hillsdale County Central Dispatch	Huron County Central Dispatch	Sterling Heights Police Dept	MSP Rockford (Nov 2006 data)	Overall Totals
Total Non-Initialized Calls	91	94	61	8	275	474	1,003
Total Wireless 911 calls	1,481	7,484	2,391	951	4,023	4,364	20,694
Percentage of Total Wireless 911 Calls from Non-Initialized Devices	6.14%	1.26%	2.55%	0.84%	6.84%	10.86%	4.85%

ATTACHMENT A – SNOHOMISH COUNTY, WASHINGTON SURVEY DATA

Survey Period: November 1 through December 18, 2006

Area represented by survey: 1 PSAP in Snohomish county (covering approximately 1/3 of the county)

Population of Snohomish county: 669,887 (out of total Washington population of 6,395,798)¹

Percentage of state's population: approximately 10.5%

¹ United States Census Bureau, July 1, 2006 annual population estimates.

NON-SERVICE INITIALIZED PHONE CALL DATA

Snohomish County, Washington

November 1 through December 18, 2006

Call Category	Number of NSI Calls	Percentage of Total NSI Calls
Legitimate	9	1.6%
Threatening	0	0.0%
Bogus	0	0.0%
Prank	19	3.4%
Repeated hang ups	140	25.3%
Accidental dial	21	3.8%
Other	<u>364</u>	65.8%
Total Calls from NSI Devices:	553	

ATTACHMENT B

STATEMENTS REGARDING CALL BLOCKING REQUESTS

**STATEMENT REGARDING
REQUESTS TO BLOCK FALSE 911 CALLS
FROM NON-SERVICE INITIALIZED DEVICES
IN PUTNAM COUNTY, TENNESSEE**

1. I am the Director of Emergency Service in Putnam County, Tennessee, and the Chairman of the Tennessee Emergency Communications Board.

2. The Putnam County public safety answering point ("PSAP") has received many harassing calls from non-service initialized ("NSI") devices over the years. Due to the nature of the devices, we receive no identifying information about the caller. The automatic number display usually identifies the serial number of the phone, preceded by 911.

3. On several occasions, we have contacted wireless carriers for assistance blocking the calls. The carriers have been unable or unwilling to block the calls and have cited technical limitations and legal concerns.

4. In trying to resolve the problem, I have worked with several technology providers. Often, the providers initially considered developing a technical solution that would allow us to block the harassing calls or otherwise redirect them to an automated message or non-emergency call center. The providers ultimately declined to offer such a solution, however, due to liability concerns.

5. Based on these circumstances, we need more clarification from the Commission about the blocking options.

I declare under penalty of perjury that the foregoing is true and correct. Executed on

2/11/08.



Randy Porter
Director, Putnam County Emergency Services
Chairman, Tennessee Emergency Communications Board

**STATEMENT REGARDING
REQUESTS TO BLOCK FALSE 911 CALLS
FROM NON-SERVICE INITIALIZED DEVICES
IN MAURY COUNTY, TENNESSEE**

1. I am the Director of the Maury County, Tennessee Emergency Communications District (“ECD”) and a member of the Tennessee Emergency Communications Board.

2. Over the years, the Maury County public safety answering point (“PSAP”) has received many harassing calls from non-service initialized (“NSI”) devices. Due to the nature of the devices, we receive no identifying information about the caller. The automatic number display usually identifies the serial number of the phone, preceded by 911.

3. On several occasions, we have contacted wireless carriers for assistance blocking the calls. The carriers have expressed great reluctance to block the calls based on both technical limitations and legal concerns.

4. The call blocking option presents many technical, operational and legal issues for the carriers and PSAPs, including:

- (a) How would the blocking work with current technology? (For example, would the calls be blocked on just one tower or all; through just one carrier or all; for transmission to just one PSAP or all.)
- (b) How long would a block last and how could it be removed?
- (c) What would happen to the calls? (For example, would a blocked call simply fail to complete, would the caller be connected with an answering center, would the caller hear a recorded message informing them to use a different phone in case of actual emergency.)

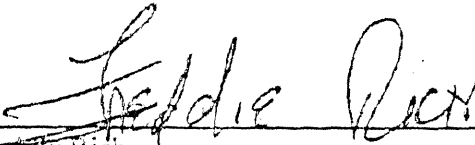
(d) What liability would the carriers or PSAPs have if someone was not able to get help in an actual emergency because the NSI device had been blocked? (This is especially an issue when children use parents' NSI devices to make harassing calls without the parents' knowledge; the parent may not realize that the phone has been blocked until it is needed for an emergency.)

(e) What state and local law enforcement procedures are required or sufficient to establish that a particular call is fraudulent or that a particular NSI device may be blocked by the carrier without violation of the Federal Communications Commissions' call forwarding mandate?

5. Based on these circumstances, we need more clarification from the Commission about the blocking options.

I declare under penalty of perjury that the foregoing is true and correct. Executed on

2/11/08



Freddie Rich

Director, Maury County Emergency Communications District
Member, Tennessee Emergency Communications Board

DATE: December 18, 2007

TO: Ms. Harriet Miller-Brown
State 9-1-1 Administrator. Michigan

FROM: Mr. Rich Feole, Director
Mason-Oceana 9-1-1

RE: Non-Initialized Cellular Phone Incidents

Mason Oceana 911 has had several incidents involving non-initialized cellular phones. The incident that was the most frustrating for our dispatchers occurred over a one year period beginning in 2004 and ended in November, 2005. We received probably hundreds of calls from the same non-initialized phone during the time period. Lake County 911, the county east of us, also received many calls from this same phone. The subject calling was in the eastern side of Mason County and his calls would come in on one of two towers in the area. The one tower was in Lake County and his calls sometimes were routed to their center. We would only receive the tower information and were never able to get Phase II location information. We were able to get the serial number of the phone from the ANI/ALI display. With this information we were able to research and get the manufacturer of the phone. The manufacturer was able to tell us the phone was sold to Alltel. When Alltel was contacted, they had no information on the phone or any possible owners. I spoke with several employees of Alltel. I started with the local Alltel dealer, then with their corporate 911 liaison and then with some of their technical staff. Every time I was told that nothing could be done to locate where the calls were coming from. Alltel refused to block the phone from calling us and offered little help in resolving the problem.

We would receive several calls a night from this phone. Sometimes the caller would not say anything. Other times when he did speak, he whispered or disguised his voice. It often interfered with the dispatcher being able to answer their radio or real 911 emergency calls. The calls eventually stopped coming in and we were never able to locate or identify the caller. It was a very frustrating experience for our dispatchers and also for our administration.



Ottawa County Central Dispatch Authority

Timothy F. Smith
Executive Director
Mark A. Jongekrijg
Deputy Director

December 7, 2007

Harriet Miller Brown
State of Michigan 9-1-1 Administrator
Michigan State Police Headquarters
714 S. Harrison Road
East Lansing, Michigan 48823

Dear Harriet:

Attached please find the information that you requested regarding one of the many problems that Ottawa County Central Dispatch (9-1-1) has with non-initialized phones. I have included not the information that I struggled with, as well as the GPS listing of the actual calls, but the police report and complaint that we made at that time.

In regards to the harassing 9-1-1 caller, we have had problems getting that phone # blocked. The carrier (ALL TEL) kept citing the Federal Law stating that they were not allowed, via federal law to block the cellular call from calling 9-1-1. The carrier had previous complaints about this subject and abuse of 9-1-1, and canceled the regular phone service. However, again refusing to turn off the phone citing the Federal Law. Eventually, OCCDA was able to, with enough information, and the phone number, work with the Holland Police Department, who eventually confronting the suspect, and OCCDA sending police many times to the location, convinced the suspect, under threat of charging him with abuse of 911, to cease calling 9-1-1. The calls have since subsided. OCCDA has had several other calls of similar nature, and thankfully after a day or two, they seem to subside. OCCDA receives little to no assistance from the carriers on these phones.

If you have any questions, please feel free to contact me regarding this.

Sincerely,

Mark A. Jongekrijg
Deputy Director, Operations Manager

ATTACHMENT C

MEDIA REPORTS REGARDING MISUSE OF NSI DEVICES

Stories on Non-Initialized Phone Difficulties

Discarded cell phones causing 911 problems

Defiance, OH Crescent-News.com

Jan. 3, 2008

NAPOLEON -- Henry County Sheriff John Nye reports that the sheriff's office has recently received several nuisance calls from young children dialing 911 from discarded cell phones given to children as toys.

The sheriff reports that although the cell phone may no longer have service, the 911 option remains operational. The sheriff is asking individuals to discard old cell phones or remove the battery. Nye said nuisance calls can delay response times for legitimate emergencies, and continued calls will be considered a criminal matter.

911 ghost phone

p2pnet news Mobiles:- Is this a genuine problem, or a really stupid prank?

No one seems to know as a cell phone makes repeated 911 calls in eastern Iowa. "Operators at the Black Hawk County Consolidated Communications Center say they have received about 400 calls from the same disconnected cell phone over the past two days," says desmoinesregister.com.

It's an old line not currently associated with a service plan, it says, going on, "Such phones, once charged up, can still place 911 calls under Federal Communications Commission rules set in 1994." Although it can call out, no one can call in and neither the phone nor its owner can be traced, says the story. But of course, the emergency operators still had to answer each and every call, just in case it's a real emergency.

Kids Using Old Cell Phones To Prank 911 Dispatch

[Joe Shortsleeve](#), Reporting (WBZ)

FRAMINGHAM; Parents might want to think twice before giving their old cell phones to their children to play with because although an old cell phone may not have a service plan, the phone can still dial 911.

The wireless 911 call center at the Framingham State Police Barracks has been receiving prank calls from a young child using such a phone that can't be traced, police said.

"We handle approximately three (thousand) to five thousand wireless 911 calls per day," said Tom Ashe with the statewide emergency telecommunication.

In one of the prank calls, the child says, "Can I have an extra large cheese pizza please?"

"So far today, this dispatcher received 16 911 calls from this one unutilized phone," Ashe said.

Police say parents are giving their kids old cell phones, not knowing that they still can connect to 911 even though they've been de-activated.

The phone can still connect to 911 because the FCC requires any cell phone, even ones no longer on a service plan, to be able to reach 911. All it requires is a working battery.

Problems arise with the issue when calls come in and the dispatchers' hands are tied because the phones no longer show a call-back number.

"Usually what the dispatchers will do is talk to the child, say "is your mommy there? Can you put someone else on the phone," Ashe said.

State Police estimate five to 10 percent of wireless 911 calls are made by children and that's posing a danger.

"The calls can get stacked up if you have a repeat caller children playing, so you're using up resources that you need for emergency calls," Ashe said.

State police said if parents do give their child an old cell phone, they should take the battery out first. The keypad can also be locked so no calls can go through.

County 911: Don't let children play with old cell phones

Marion Daily Republican

Thursday, April 5, 2007

MARION - Local 911 dispatch centers are battling an unexpected problem resulting from the surge in cellular phone upgrades.

According to Williamson County 911 coordinator Ken Smith, newer model cell phones provide better location for 911 calls, which is a plus. However, Smith says the adults are handing their old cell phones to their small children as toys.

The problem comes with the fact that the old cell phones can still dial 911, and 3-year-olds have been making dozens of calls, tying up dispatchers and police officers when there is no emergency.

Smith says there have been four of these scenarios in the past two months, inundating his dispatch center with more than 100 phantom calls. Surrounding counties have had the same problem and in each case, the clueless adult thought the old phone was no longer working.

"When a regular cell phone makes a 911 call, we get the call back number," Smith said. "When a phone without a contract makes a 911 call, we get a seven-digit serial number and the company name.

"It takes several hours to track down the origin of the phone and get an address for the owner. By that time, a 3-year-old can make 20 911 calls but can't tell the dispatcher where they are or if

there is an actual emergency."

Smith said it's important not to let children have the cell phones.

"Cell phones are not toys," Smith said. "But if you are compelled to give an old phone to a child, please take the batteries out."

Cell Phones Aren't Toys and Calling 911 Isn't a Game

Why 911 Operators Are Asking People Not to Give Children Old Cell Phones

By Bunting Resources

Associated Content

Takeaways

As long as a battery is working on a phone there is one number that it is still connect to 911.

A three year old was given an old cell phone to play with as a toy & ended up making dozens of calls

cell phones that are no longer activated won't provide the information to locate the caller.

A recent increase in 911 calls has operators talking to parents about the "toys" they give their children.

It isn't uncommon for a cell to one day become obsolete. So you replace it, there are no minutes left to use and it isn't activated but to throw the phone away seems wasteful the battery works fine. Your child has always had their eye your phone. The sounds the keypad makes, the way the screen light up and the fact that they are using an item that was their mommy's or daddy's makes them feel like they are an adult too. What harm could it cause for your child to have this more or less useless phone?

As long as a battery is working on a phone there is one number that it is still capable to connecting to, 911.

Ken Smith, a 911 coordinator for Williamson County, Illinois, said he has seen an increase in 911 calls that were made by children who were playing with discarded cell phones that they had been using as toys. Williamson County 911 handled more than 100 calls from four different phones over the past month, but these calls were not made because someone was in distress, they were made because a child was attempting to use their new cell phone like their parents.

"On the one hand, it's wonderful," Smith say referring to how cell phones are programmed to be able to connect a call to 911. "They take these uninitialized phones and give them to domestic violence victims, and it's great for people to have that service. These types of phones are more often used to make prank phone calls and inadvertent calls to 911."

A three year old was given an old cell phone to play with as a toy and ended up making dozens of calls to the 911 dispatcher.

"They called every evening from 4 in the afternoon to 7 in the evening, when I assume they went to bed," Smith reported. "They got up the next morning and started again."

The worst part about calls like this is that cell phones that are no longer activated won't provide the information to locate the caller like an activated cell phone would, so dispatchers then have a lot of difficulty tracking the calls. Of course when Smith managed to track the parents of the three year old down they were mortified.

"There are ways to trace it, but it takes a lot of my time," Smith says. "And by the time we can figure out from the serial number, had it been a real emergency, they'd be dead."

Smith, and many other 911 operators across the country, is advising parents who give their children old cell phones to play with that they should first take the batteries out.

How little girl called 911 on a used cell 287 times

BY JAMEEL NAQVI

jnaqvi@dailyherald.com

Chicago Daily Herald

Posted Friday, July 06, 2007

A 4-year-old girl in a Carpentersville apartment last month was playing with a deactivated cell phone, a phone that can't make or receive calls - with one notable exception.

Because of federal laws, the Carpentersville girl was able to call 911, which she did 287 times over 30 days, according to Steve Cordes, executive director of QuadCom, which answers 911 calls for several Kane County towns.

The Carpentersville girl is just one of a growing number of kids calling 911 from used cell phones their parents have given them as a toy, Cordes said.

Most of the parents are unaware the deactivated phones can still call 911. And when kids call, they tie up emergency dispatchers who could be missing calls from people who actually need their help.

"It keeps dispatchers ... away from handling legitimate calls," Cordes said.

Parents should keep deactivated cell phones away from their children or at least monitor their use, Cordes said. If your child is talking to someone on a deactivated cell phone, "it's only 911 - that's the only call they can make," Cordes said.

After the first few calls the 4-year-old made, QuadCom dispatchers recognized the young voice on the other line. Sometimes the girl talked to the dispatcher; other times, she said nothing or hung up.

Because the girl called on a cell phone, dispatchers were able to locate only the apartment complex from which she was calling, not the specific apartment.

During her last call to QuadCom, the girl said she was hungry. Dispatchers offered to bring her food from McDonald's, but only if she gave her address. Reluctantly, the girl revealed her apartment number.

A few minutes later, Carpentersville police showed up at the door. They didn't bring a Happy Meal.

The girl's mother answered, and police told her what had happened. The mother, who said she didn't know deactivated cell phones could call 911, apologized and took the phone from the girl. QuadCom hasn't gotten a call from the little girl since.

But the emergency dispatch center continues to get calls from small children playing with cell phones and teenagers calling as a joke.

QuadCom, which averages five to 10 calls from deactivated cell phones every day, is taking a "more aggressive approach" to teenagers who prank-call 911 from deactivated cell phones, Cordes said.

The dispatch center will begin tracking 911 hang-ups separately from landline hang-ups, with the goal of locating offenders and pursuing disorderly conduct charges.

Other emergency call centers in the area said prank calls from deactivated cell phones are not a major problem for them.

"Every now and then you get (this type of call)," said George Carlson, a shift supervisor at SEComm, which serves parts of McHenry County. "It's not an everyday occurrence."

No way to trace 911 call

By Jeff Moore THE DAILY IBERIAN
July 19, 2007

A prank 911 call that shut down East Main Street and forced several residents to evacuate their homes was made from an out-of-service cell phone, making it too difficult to track to a suspect, investigators said Wednesday.

Iberia Parish Sheriff Sid Hebert said an unidentified man called 911 Tuesday saying someone was trying to break into his apartment at 525 E. Main St.

A few minutes later, the man called back, saying he had just shot two burglars.

The calls led to a two-and-a-half-hour standoff between deputies and residents of the apartment from which the call was initially believed to have originated.

Three residents were taken into custody, but they were later released after investigators learned they had no involvement.

Hebert said Tuesday's 911 calls were being reviewed by several people assisting in the investigation. He said a "person of interest" was identified and was being sought for questioning, but did not say who that person was.

Cell phones no longer in service can still be used to dial 911, making it difficult for investigators to trace false 911 calls to suspects.

"It comes up either unlisted or it comes back to (an individual) who says, 'I got rid of it last year,'" said Jim Anderson, emergency management coordinator for Iberia Parish. "It's an issue for us."

Anderson said the Federal Communications Commission made it a law several years ago that all cell phones — whether they are active or not — must be able to dial 911.

New Iberia City Councilman David Broussard has championed the issue, collecting hundreds of old cell phones to give to school bus drivers and the elderly to use in case of emergencies.

"It's not a good thing for locals," Anderson said.

"But it's a federal law, so nothing can be done about it."

Anderson said emergency officials have tried to convince people instead to discard their old cell phones and remove the batteries.

He said a national organization of emergency coordinators has approached the FCC about changing the law, but so far has had no success.

Deactivated cell phone, children combine for dozens of 911 calls

By Brock Cooper

North Central Illinois News Tribune

lasallereporter@newstrib.com

July 24, 2007

Two police departments were called more than 45 times by two children using a deactivated cellular phone. "The kids didn't know what they were doing," police chief Doug Bernabei said. Brenda Clepper of Peru gave her two children, 3- and 6 years old, her old cellular phone to play with after she got a new one — something she has done many times before.

Clepper had removed the internal subscriber identification module card, but there was still battery power in the phone. The removal of the card deactivates the phone, making it unable to make regular phone calls. Even without the card, cell phones are able to dial 911 as an emergency and the children were inadvertently calling the police. "I didn't know they (the phones) could do that," Clepper said.

292 Dirty Calls to 911 Land Man in Jail

Associated Press 07.25.07, 6:00 PM ET

PENSACOLA, FLA. – A man charged with dialing 911 to chat with dispatchers nearly 300 times in the last month remained in jail Wednesday. Cheveon Alonzo Ford, 21, was arrested Tuesday night and charged with making obscene and harassing telephone calls.

He told authorities he began calling 911 because "I have no minutes on my phone and 911 is a free call," the Escambia County Sheriff's Office said in a news release. Ford was being held on a \$50,000 bond Wednesday afternoon.

Officers used GPS coordinates from Ford's cell phone to track his location to the west Pensacola home where he was arrested, the Pensacola News Journal Reported.

"His phone service had been cut off and 911 was the only number he could dial from the phone," said Bob Boschen, communication chief for Escambia County.

Boschen said many of Ford's 292 calls were sexual in nature.

"When he would call and a male dispatcher would answer, he would hang up," he said. "Our policy says that if a caller is belligerent in nature we have to get enough information to process the call and then we can disconnect," he said.

Ford never asked dispatchers for help or indicated he was in trouble.

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Emergency dispatchers see increase in prank calls

Monday, August 20, 2007

The Associated Press

OGDEN, Utah -- Emergency dispatch operators say they're getting an increasing number of prank calls and hang-ups made by children playing with disconnected cellular phones that can still be used to make 911 calls.

"Kids call us and swear at us because they know we can't do anything about it," said Clearfield Dispatch supervisor Wendy Brimhall.

The Federal Communications Commission requires that cell phones be able to make 911 calls as a safety feature even if they're no longer subscribed to wireless service.

Brimhall said dispatchers are helpless such calls come in because emergency-call-only phones do not show a callback number or any location information.

Young pranksters know that, she said.

"They'll call and giggle and the dispatcher will say something like, 'I know where you are,' and the kids will say, 'No you don't,' " Brimhall said.

Deborah Mecham, executive director for Weber Area Dispatch, said it's enough of a problem that she had dispatchers start documenting the calls early this year. There's been a dramatic increase, she said.

The Weber Area Dispatch center, which dispatches for Weber and Morgan counties, documented about 20 of the calls in February; several hundred a month during the spring and about 1,600 in July. The center receives about 30,000 calls total each month.

Brimhall and Mecham both think that parents have given old cell phones to kids to play with, not realizing they can still be used to make 911 calls.

"If parents are giving the phone to the kids, they should take the battery out," Brimhall said. Dispatchers from several other dispatch centers said the problem is growing.

"We've seen quite an increase in that," said Sara Judson, a Bountiful dispatcher. "You get calls where you can hear background noise, and we have no way of calling back."

It's a problem because the calls clog emergency lines, making it difficult for people who really need help to get through.

Last week, three Pleasant View boys -- two 9-year-olds and a 7-year-old -- used an unsubscribed phones to call 911 and falsely reported that the father of one of the boys had been shot by a neighbor. Nine police officers, a medical crew and a fire crew responded.

When police approached the area with guns drawn, the boys dropped the phone and ran. Police caught up with them and talked to the boys and the parents.

Pleasant View Police Chief Scott Jackson said he doesn't know what the total cost of the response was, but called it "quite an expenditure" and is looking into seeking financial reimbursement for the various agencies involved.

Both Mecham and Brimhall said they have contacted wireless companies to try to address this issue but wireless providers told them there was nothing they could do.

Bob Kelly, a spokesman for Verizon Wireless, citing the FCC requirement said, "As long as the cell phones have battery power, they are still capable of reaching 911."

But, as Brimhall suggested, he also said parents should take the battery out of the phone before letting kids play with it.

Crank caller plagues 9-1-1

Homeless man uses donated phone to harass dispatchers

By MATTHIAS GAFNI/Times-Herald staff writer

08/30/2007 08:36:10 AM PDT

As if swamped Vallejo 9-1-1 dispatchers don't have enough on their plates, since March they've had to deal with "Nomar" - a serial crank caller who's tallied almost 2,000 fake emergency calls. Nomar - who's also gone by "Steve," "Willie Davis," "David" and "Mike" in the past - is most likely a homeless man from San Francisco who calls in emergencies in Vallejo off a donated cell phone.

And he's pretty good at it. "He can be quite convincing and he definitely knows the geography of Vallejo," said a frustrated Bill Powell, Vallejo police head of communications. "If we can't determine it's a false call, we'll send people out."

On Tuesday morning, Nomar purportedly overdosed on valium and needed medical help. In the past, he's suffered a possible heart attack, witnessed an injury accident, attempted suicide, followed a stolen car with Texas plates, broken his hip playing soccer and been robbed.

"These are not things you can necessarily ignore," Powell said.

"We're working with the CHP on documenting his calls and if we can identify him we'll seek prosecution." Each crank phone call could be a single misdemeanor count of false report of an emergency to a public agency and misusing 9-1-1.

Nomar is an even bigger nuisance to the California Highway Patrol Golden Gate Communications Division, which handles nearly all the wireless 9-1-1 calls in the Bay Area. Since March, Nomar has called that office 1,928 times, said Mary Pat Marshall, communications manager.

The CHP tracked the phone back to an Oklahoma company that donated old employee cell phones to a group that disperses them to the homeless, Marshall said. The CHP tracked some of Nomar's calls, triangulating the signal among cell towers, and found the suspect to be operating in San Francisco.

Why he calls in strictly Vallejo emergencies is unknown.

Although officials have his cell phone number, they can't track down any more personal information because the phone has no service carrier.

If he has no carrier, such as Sprint, how is he making the calls?

Any cell or land-line phone can call 9-1-1 for free, whether they pay for service or not. Fortunately, CHP dispatchers have begun recognizing his voice and phone number, Marshall said.

"We've been dealing with him for so long, obviously we screen a lot of his calls and try to discourage him," Marshall said.

Still, since July, about 75 of his Vallejo emergency calls have been transferred to city dispatchers, Powell said.

"I wouldn't want one of our folks assuming a call didn't sound just right, and not put a call out," Powell said. "That's where we're between a rock and a hard place."

Just how much Nomar has cost the CHP and Vallejo police and fire is unknown, but countless staff hours have been dedicated to handling his calls and checking out his alleged emergencies, officials said.

"Still there's a certain 'Boy Who Cried Wolf' thing here and we have to be careful with what he says," Marshall said.

Repercussions of his calls run deep, as dispatching police or firefighters to an emergency runs an inherent safety risk.

Plus, when you're already handling almost 200,000 calls annually, Marshall said, a bogus one can really tie things up.

"People like him prevent real emergencies from getting through quickly," she said. Believe it or not, Nomar isn't the biggest crank 9-1-1 caller.

An unidentified man from Hayward has called the CHP 5,000 times since May, usually just breathing deeply or giggling. CHP officials haven't been able to track him down because he uses a pre-paid cell phone. Although that phone has a carrier, customers don't need to leave the phone company any personal information when signing up, so his identity remains a mystery.

But after 5,000 calls haven't his minutes run out?

"You're not charged minutes when calling 9-1-1," Marshall sighed.

Kids dialing up trouble with cell phones

Tracey Read

News-Herald.com (Serving Northeast Ohio)

Children have used cellular phones to call 911 to harass emergency dispatchers

* First and last name changed to protect juvenile's identity.

After canceling service to his cell phone, *Michael Chandler gave the device to his 7-year-old son to use as a toy.

Little did the Euclid resident know, the phone soon led the boy to unknowingly break the law and become the subject of a criminal investigation.

"I gave him the phone not knowing you could call 911," the father explained.

But call 911 he did - about 350 times during a three-week period in May, said Lt. Cynthia Baker, central communications supervisor in the Lake County Sheriff's Office.

"During this time, we had actual emergencies and had dispatchers tied up because we are not allowed to disconnect," she said. "Meanwhile, we had critical incidents going on, including a bad car crash on I-90.

"Sometimes the calls would last 15 minutes. He liked superheroes, so he would talk about that. There was some talk about sex, but the dispatcher was able to get him off that subject pretty quickly. He talked about school, he talked about his friends. Everybody in the room dealt with him at some point."

The vast majority of the calls were the boy mimicking the dispatchers, refusing to hang up, and sometimes using vulgar language.

"Once you get busy, it's annoying," Baker said. "We answer all wireless 911 calls. We can get 30 calls or more from the whole county at once between four or five dispatchers. We also dispatch for Timberlake, Kirtland Hills, 12 eastern jurisdictions from the Mentor-Painesville line east, plus eight fire departments."

Growing increasingly frustrated because they could not trace exactly where the calls were coming from, dispatchers decided to take matters into their own hands.

Dispatchers like Jason Heller eventually established a rapport with the boy, who slowly started providing information about himself. After telling Heller he had a school resource officer named Officer Kelly, Heller pretended to be Kelly and soon learned the caller was suspended from Upson School.

Eventually, the boy mentioned some kids' names that were his friends, but one name happened to be his own.

"Little by little, our dispatchers were able to track things down for us," said Lake County Sheriff Deputy Don Seamon, who investigated the case.

After arriving at the Chandlers' house June 6, Seamon told the boy's parents about the 911 calls, which were coming to a dispatch center from a cell phone tower on Vine Street in Eastlake. Chandler said he owns a Vine Street restaurant, and that his son often spends time with him there. The boy admitted everything.

"His parents actually took the phone from him right there and broke it," Seamon said. The deputy said the department occasionally deals with such cases, but it was unusual to see someone so young behind the calls.

"We had fully intended to file charges," Seamon added.

"He wasn't prosecuted due to his age," said sheriff's Capt. Lonnie Sparkman.

"But it ties up man hours, and we're going to treat it very seriously. It's paramount to filling out a false police report."

Baker said parents who leave their old cell phones lying around should think twice.

Under federal law, deactivated cell phones must still be able to access 911. Many deactivated phones will contact an emergency call center if the user holds down the "9" key.

In Carpentersville, Ill., a 4-year-old girl called 911 nearly 300 times in June using her mother's deactivated cell phone. After tracking the phone's signal to an apartment complex, a dispatcher asked what the girl wanted. She said she wanted McDonald's.

"We convinced her if she told us where she lives, we would bring her McDonald's," said Steve Cordes, executive director of the emergency center that dispatchers for Carpentersville. "She finally gave us her address. So we sent the police over -with no McDonald's."

Baker said it's not unusual for kids to call 911 multiple times for fun.

"If kids get bored, they use us as entertainment," she said. "They think it's cute for a day." Chandler said he was appalled when he found out what his son was up to with the dispatchers.

"I had to dial 911 when my mom passed, so we tried to let him know it's for emergencies only," he said. "I guess the only good thing is we now know he at least knows how to dial 911 if he had to."

The Associated Press contributed to this report.

Prank calls plague E-911 centers

Thursday, September 20, 2007

By John I. Carney

Times-Gazette (Shelbyville, TN)

Communications centers across the country continue to be plagued by prank calls from decommissioned cell phones, according to discussion at Wednesday night's meeting of the Bedford County Emergency Communications District (E-911) board.

Com center director Cathey Mathis said that the local center had a recent problem with a young child who had three such phones and was making numerous prank calls, calling up to 30 times at a sitting, giving false information, and using foul language. The com center has no choice but to dispatch emergency services any time they are requested, whether the dispatcher suspects the call is a prank or not. It was difficult to track down the caller's exact location, but officials were finally able to do so. The child's parents were informed of the situation and have promised that it will not be repeated.

Federal regulations require that even a decommissioned cell phone must still be able to call 9-1-1. This was intended as a safety measure, and some domestic violence shelters even collect decommissioned phones to give to their clients for use in case of emergency. But 9-1-1 officials

now say the risk from so many difficult-to-trace prank calls -- which could interfere with legitimate emergency communication -- now outweighs any benefit from allowing decommissioned phones to be used.

"It's a plague on every system," said attorney Michael Mahn, who advises the local E-911 board. Mahn said that state E-911 officials are gathering data about the problem in hopes of persuading federal officials to reverse the rule.

The state has, meanwhile, increased the penalty for making false 9-1-1 calls. Violators in aggravated situations can now spend up to a year in jail and pay a \$2,500 fine.

ATTACHMENT D

STATEMENT REGARDING NSI CALLS IN SHELBY COUNTY, TENNESSEE

**STATEMENT REGARDING REPEATED 911 CALLS
RECEIVED BY THE MEMPHIS, TENNESSEE POLICE DEPARTMENT
FROM A NON-SERVICE INITIALIZED DEVICE**

1. I am the Director of the Shelby County, Tennessee Emergency Communications District ("ECD"). The Memphis Police public safety answering point ("PSAP") is within the territory served by the ECD.

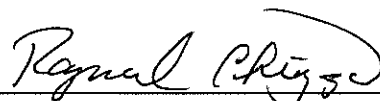
2. On August 23, 2006, the Memphis Police PSAP began receiving 911 calls from a non-service initialized device ("NSI device") with an ANI record of 9113723007.

3. From August 23, 2006 at 9:55 pm through September 7, 2006 at 8:02 am, the PSAP received 1,148 calls from the same NSI device. The calls often lasted less than a minute, but the connection sometimes continued more than two minutes before the caller hung up.

4. The calls finally stopped on September 7 without the Memphis Police ever locating the caller or otherwise blocking the calls; however, during the sixteen days of August 23 through September 7, the harassing calls threatened the PSAP's ability to answer legitimate calls and provide emergency communications.

5. I have in my files a call list showing each of the 1,148 calls. The list is available for review upon request.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 8, 2008.



Raymond Chiozza, Director
Shelby County Emergency Communications District

ATTACHMENT E

STATEMENT REGARDING NSI CALLS IN BEDFORD COUNTY, TENNESSEE

**STATEMENT REGARDING FALSE 911 CALLS
FROM A CHILD PLAYING WITH NON-SERVICE INITIALIZED DEVICES
IN BEDFORD COUNTY, TENNESSEE**

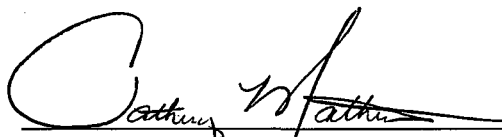
1. I am the Director of the Bedford County, Tennessee Emergency Communications District ("ECD").

2. In the summer of 2007, the communications center in Bedford County began receiving prank 911 calls from a child using non-service initialized devices ("NSI devices").

3. For more than a month the child called repeatedly, up to 30 times in a sitting, giving false information and using foul language. The child used three different NSI devices to make the calls.

4. With much effort, officials finally located the caller's exact location. The officials informed the child's parents, and the calls stopped.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 6, 2008.



Cathey Mathis, Director
Bedford County Emergency Communications District

ATTACHMENT F

STATEMENT REGARDING NSI CALLS IN MAURY COUNTY, TENNESSEE

**STATEMENT REGARDING FALSE 911 CALLS
FROM NON-SERVICE INITIALIZED DEVICES
IN MAURY COUNTY, TENNESSEE**

1. I am the Director of the Maury County, Tennessee Emergency Communications District.

2. During the past several years, the Maury County public safety answering point (“PSAP”) has received many harassing calls from non-service initialized (“NSI”) devices, including numerous calls from children playing with the phones.

3. One child called seven times from a bus on the way home from school, reporting various emergencies at different locations with each call. As a result, first responders were dispatched to four different locations. All the reports were false and wasted the time and other resources of the PSAP and the first responders.

4. A second child called the PSAP 84 times on a Saturday evening. These calls nearly immobilized the PSAP’s ability to receive or respond to actual emergency calls at a time when the PSAP typically receives a high volume of calls.


5. A third child called the PSAP 40 times on a Sunday afternoon, again disrupting the PSAP’s operations.

6. In the three instances described above, the PSAP eventually was able to locate the children, with much effort, and stop the calls. In all three cases, the families reported to the PSAP that the child was using an NSI device the mothers obtained from a domestic violence organization.

7. The harassing calls from NSI devices and the location efforts to stop the calls waste precious public safety resources.

I declare under penalty of perjury that the foregoing is true and correct. Executed on

2/11/08



Freddie Rich, Director
Maury County Emergency Communications District

ATTACHMENT G

STATEMENT REGARDING TECHNICAL AND OPERATIONAL ISSUES

ASSOCIATED WITH CALL BLOCKING

2100 Seaport Boulevard
Redwood City, California
94063 USA
Tel: 1 650 480 8000
Fax: 1 650 480 8100

Lynn Questell
500 James Robertson Parkway
Nashville, TN 37243-0582

February 4, 2008

Dear Lynn Questell,

Openwave has had such a great demand from its customers to address nuisance E911 callers that it has very recently enacted new features in its MPC (Mobile Positioning Center) software to enable the carrier to specially treat these calls. These features were made in response to overwhelming requests from the industry that sees this as a major problem in E911 services. While this is a great start, we still feel that the industry has a long way to go on perfecting the capabilities and operationalizing it so as to meet all legal, operational and public safety needs.

This initial "black-listing" feature capability's primary function is to protect the carriers and the PSAPs they serve against these overwhelming numbers of nuisance calls and yet allow these calls to be completed to specialized call handling stations. Thus, the call is handled and if there is a real emergency with that particular call it can be addressed. Calls are not blocked, but rerouted. Calls are rerouted at the request of the PSAP and those requests are made to the carrier's security group who alone has access to add numbers to this list. Like the normal E911 call, location remains available and is logged in the system and available to the end answering point. As mentioned above, this initial system we have is simplistic enough for the carrier customer and the PSAP community to get started, but it is by no means a final, thought out standard which we see as being required for the industry to follow.

The above general summary of the capability that Openwave has built was deployed last month at single large tier 1 carrier and is now in the early stages of production. We are patiently awaiting feedback, but from all accounts it's well received.

It cannot be stressed enough how large of a problem these calls are to the PSAPs and carriers alike and how far we still have yet to travel. Some industry guidance has been given through ESIF, the Emergency Services Interconnection Forum, and NENA, but more needs to occur given the complex nature of this issue technically, legally and operationally. Given the criticality of the E911 support network, it is of the utmost importance that all resources are dispatched to

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94063 USA

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true emergencies and that the resources of both carrier and public safety personnel alike are wisely used. Openwave Systems has found a starting point telling that it is technically possible to stem much of the flow of these calls through the implementation of features like those described above. Openwave remains at public safety's service to discuss these at anytime in the future.

Sincerely,

Mark Drennan,
Sr Product Manager for E911
Services